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June 26, 2023

Via ECF

Hon. James B. Clark III
U.S. District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07102

Re: LiveUniverse, Inc. v. Muijrers
Dkt. No. Dkt. 22-cv-4918

Dear Judge Clark:

This firm represents defendants Rene Muijrers (“Muijrers”) and ICONV SPRL (“ICONV”) (collectively the “ICONV Defendants”) in the above-referenced matter.¹ I write regarding the June 26, 2023 Letter, see Dkt. No. 46, seeking a 30-day extension to respond to Defendants’ pending motions to dismiss, see Dkt. No. 39, 40, 41.

While ordinarily an extension request would be routine, nothing about Plaintiffs’ handling of this case has been routine. The following is just a sampling of the activity in three related lawsuits filed by Greenspan:²

- Greenspan filed a lawsuit on July 19, 2021 by complaint captioned Brad Greenspan v. Rene Muijrers; ICONV Sprl and Techie Hosting, Inc., Docket No. ESX-C-124-21 in the Superior Court of New Jersey, Chancery Division, Essex County (the “State Court Action”). In doing so, Greenspan obtained *ex parte* restraints through an order to show cause.

¹ Martin Rogers, *pro hac vice* counsel for Defendants ViralHog, LLC; KMMT, LLC; Brent Maggio; and Ryan Bartholomew (collectively the “Montana Defendants”), informed the undersigned his clients join this letter.

² “Greenspan” herein refers to Brad Greenspan (“Mr. Greenspan”), Palisades Capital, Inc. (“Palisades”), and LiveUniverse, Inc. (“LiveUniverse”).



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- The ICONV Defendants were forced to move to dissolve on July 22, 2021. After the Court dissolved the restraints on August 2, 2021, Greenspan withdrew the order to show cause seeking a preliminary injunction.
- While the State Court Action was pending, Greenspan (through Palisades) filed a second lawsuit on November 17, 2021 in this Court captioned Palisades Capital, Inc. v. Muijers et. al., Docket No. 2:21-cv-20054 (the “Palisades Action”).
- The ICONV Defendants moved to dismiss the Palisades Action on December 15, 2021, and, after jurisdictional discovery in the State Court Action, also moved to dismiss the State Court action in January, 2022, in both cases primarily for a lack of jurisdiction.
- The Essex County Court dismissed the State Court Action on March 4, 2022 for lack of jurisdiction. The Essex County Court then denied Greenspan’s motion for reconsideration on May 20, 2022.
- Greenspan (through LiveUniverse) filed this third lawsuit on August 4, 2022 (the “LiveUniverse Action”). Then, on September 16, 2022 Greenspan moved in the Palisades Action to consolidate the Palisades Action with this LiveUniverse Action.
- On September 14, 2022, the Montana Defendants in the LiveUniverse action moved to dismiss the LiveUniverse Action.
- On October 1 and 3, 2022 Greenspan’s New Jersey Counsel moved to withdraw from the Palisades Action and the LiveUniverse Action.
- On October 3, 2022, Greenspan filed a letter in the Palisades Action withdrawing the motion to consolidate “because it no longer needs relief under” the motion to consolidate, and instead “seeks relief under” the rule to supplement pleadings.
- On October 12, 2022, Judge Clark set a schedule for Greenspan to move for leave to amend the complaint in the Palisades Action by November 4, 2022.
- On November 8, 2022, Greenspan informed the court that “Plaintiff has decided not to amend the Complaint at this time” in the Palisades Action.
- On February 10, 2023, Greenspan unilaterally withdrew the Palisades Action on February 10, 2023, **450 days** after filing it, only **after** the ICONV Defendants incurred the cost of briefing a motion to dismiss and in participating in many other procedural issues.
- On February 14, 2023 the Court ordered the parties in the LiveUniverse Action to file a joint status letter in light of the withdrawal of the Palisades Action. In the parties’

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February 21, 2023 response, the parties informed the court that Plaintiff sought permission to move for leave to amend the complaint. Mr. Gutman also indicated that “plaintiff expects to engage other counsel to replace my office.” Accordingly the parties asked the Court to set a deadline for motion practice and substitution of counsel.

- On March 27, 2023—in a letter mistakenly dated March 27, 2022—Mr. Gutman advised the court that “plaintiff has not filed a motion to amend the complaint.”

Greenspan’s latest request for an adjournment must be viewed in light of the already 707-day history of the litigation gauntlet through which Greenspan is forcing the ICONV Defendants to run. The Court should also be cognizant that Hon. Judge Ronald M. Whyte, U.S.D.J. found, on or about September 30, 2016, that Brad Greenspan is “a vexatious litigant,” and ordered that “Mr. Greenspan” was required to “obtain leave of court before filing any further motions in this case,” along with an order to pay his adversaries’ counsel fees. See Ex. A, attached. Judge Whyte found, *inter alia*, that Greenspan’s “practice of filing of frivolous motions is not limited to this case,” and listed several other litigations. Mr. Greenspan more or less announced his plan to continue such conduct in emails to Mr. Muijers before commencing his 3-lawsuit crusade: “**I am warning you that you will be in court for the next 10+ years. . . .**” See Dkt. No. 39-3, p.9 of 24.

We are certainly sympathetic to Mr. Gutman’s dilemma in dealing with a highly problematic client, and also understand why he would be seeking to withdraw.³ However, Mr. Gutman announced plaintiff’s intent to replace him more than four months ago, and yet nothing has happened. Mr. Gutman already agreed to the current schedule in February. The current motions to dismiss have been pending since being filed April 24, 2023 and Greenspan’s other attorneys could have (and should have) been working on oppositions to the pending motions. Mr. Gutman’s latest letter provides no new justification for yet another extension.

We agree with the position taken by the Court in its May 23, 2023 letter order that Greenspan must file his responses to the motions to dismiss by July 6, 2023. As the Court noted at the time, there was to be “NO FURTHER EXTENSIONS” and failure to file by July 6, 2023 would mean the motions would be considered unopposed. Greenspan has had more than ample time to find new counsel and file responses. Granting the current request would push the response date for motions to dismiss past the one year anniversary of the filing of this matter. We ask the Court to reaffirm its May 23 position that there will be no further extension, and that the

³ Although we do not oppose Mr. Gutman withdrawing (and never would), it does appear that Mr. Gutman would be capable of opposing the pending motions if he did not withdraw, given his appearance on a website called “<https://ricolawyer.org/>”.

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July 6 deadline stands. We also ask that, should the Court grant the requested adjournment, the Court also make clear that there will be no further delay in adjudicating the pending motions.⁴

Respectfully Submitted,

Norris McLaughlin, P.A.

By: 
Nicholas Duston

⁴ This letter is written without prejudice to, or waiver of, any defense including, but not limited to, those related to jurisdiction, as raised in the ICONV Defendants' pending motion. See Dkt. No. 39